THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.10262 of 2006

–

DATED: 25-05-2006

Between:

P.Gangadhar Rao and others . . .Petitioners

And

The Dist. Collector, Visakhapatnam, and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.10262 of 2006

–

O R D E R:

This writ petition has been filed for issuance of writ of Mandamus declaring the action of the respondents in demolishing the properties of the petitioners as illegal and ultra *vires* to the provisions of Articles 14, 21 and 300 of the Constitution of India, consequently, directing the respondents not to interfere with their peaceful possession and enjoyment of their properties.

It is the case of the petitioners that they are the owners of various houses mentioned in the annexure filed along with the writ petition. It is stated that the respondents have taken a decision for widening the main road of Pendurthy of Visakhapatnam District. In that process, the respondents were threatening the petitioners to demolish the structures and dispossess them from certain portions of their properties, without acquiring the land either by way of private negotiations under Section 146 of the Hyderabad Municipal Corporations Act, 1955 (for short "the Act") or by initiating land acquisition proceedings under Section 147 of the Act.

Heard both sides.

Having regard to the facts and circumstances of the case, I am of the opinion that widening of road is for the public purpose and if any property is required for widening of road, it is always open for the respondents to acquire the same by way of private negotiations, and if the owners of the premises do not come forward to surrender the land, which is affected by road widening, necessary proceedings have to be initiated against them under the provisions of the Andhra Pradesh Municipalities Act or Land Acquisition Act for such acquisition. Without following such procedure, the citizen cannot be deprived of the property. Therefore, the respondents are directed not to dispossess the

petitioners from the possession of the land or demolish the structures without following due procedure of law either under Sections 146 or 147 of the Act or under the provisions of the Land Acquisition Act.

The writ petition is accordingly disposed of. There shall be no order as to costs.

_____

(L.NARASIMHA REDDY, J)

25th MAY, 2006.

Note: furnish c.c. in two days.

B/o

kvni*/kdl*